

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER

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MEMORANDUM

TO: DICK STENZEL
STEVE LAUTENSCHLAGER

FROM: HAL D. SIMPSON

SUBJECT: SB5 Evaluations for Court and Non-exempt Permit Applications with respect to Deductions of Denver Basin Aquifer Water for Exempt Wells Located on the Claimed Property in the Denver Basin.

DATE: August 4, 1995

This memorandum is to clarify and document our practice of deducting for certain amounts of water being used by exempt wells overlying the land from the acre-feet determinations of ground water within the Denver Basin aquifers underlying such lands. Such deductions are considered necessary to protect the 100 year aquifer life.

Deductions shall be made for the claimed water use by exempt wells located on the overlying land permitted on or after July 6, 1973. SB213 adopted on July 6, 1973 required ownership or consent of the owner of the overlying land to appropriate ground water from the Denver Basin aquifers and specified a 100 year aquifer life.

Such deductions, however, shall not be made for the exempt wells permitted or decreed prior to July 6, 1973 or in use prior to May 8, 1972, due to the following reasons:

- a) This office may not have any information on exempt wells put to use prior to May 8, 1972. To get information on such wells would require field inspection to determine applicable historic water use.
- b) Deducting for exempt wells permitted or decreed prior to July 6, 1973 may be questionable due to differing interpretation of Rule 8.C(5) regarding pre-SB 213 wells, the Statewide Nontributary Ground Water Rules, 2 CCR 402-7, which states, "In the event that a well meets the exemptions specified in Section 37-92-602(1), C.R.S., the area of the cylinder of appropriation shall be considered to be zero."

For the exempt wells permitted on or after July 6, 1973, you may use the following guidelines for deductions of water for exempt wells located on lands in the Denver Basin filed for underlying ground water claims in Court applications or in non-exempt permit applications unless specified otherwise on the approved Permit, Map and Statement for Well (if less than permitted amount), Statement of Beneficial Use (if less than permitted amount), or Court Decree:

<u>In-house Only</u>	<u>0.33 acre-foot per year</u>	(33 AF deduction)
<u>Domestic Use</u>	<u>3 acre-feet per year</u>	(300 AF deduction)
<u>Stock Use</u>	<u>1 acre-foot per year</u>	(100 AF deduction)
<u>Stock & Domestic</u>	<u>4 acre-feet per year</u>	(400 AF deduction)
<u>Commercial Exempt</u>	<u>0.33 acre-foot per year</u>	(33 AF deduction)

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cc: Purushottam Dass
Bruce DeBrine
Al Eckermann
Dave McElhaney
Dick Wolfe
Keith Vanderhorst
Jody Grantham